

Doe v. United States Air Force et al

**IN THE UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JOHN DOE, an individual,)
Plaintiff,)
v.)
The UNITED STATES AIR FORCE, a)
government agency d/b/a USAF XOI-RE, or)
d/b/a The AIR INTELLIGENCE AGENCY,)
a/k/a A.I.A.; et al.)
)

) CASE NO. CV-07-P-0842-S

MOTION TO APPOINT SPECIAL PROSECUTOR

Comes now, John Doe, by and through his attorney of record, James R. Bosarge, Jr. and moves this Honorable Court to appoint a Special Prosecutor and shows the following for the relief herein requested:

1. Mr. John Doe was retaliated against and threatened with additional retaliation involving possible incarceration if he testified or provided evidence about his pre 9/11 warning and how he was being treated by the U. S. Air Force to Congress at the 9/11 Commission in clear violation of 10 U.S.C.A. § 1034 which states: "Restricting communications with Members of Congress and Inspector General prohibited".
2. On or about 02/06/04, John Doe unknowingly met with an officer who identified himself as being with the Air Force Judge Advocate General Corps. He was later identified as an Army JAG officer by the Maxwell Air Force Base security office. The officer, Colonel Stripling, who at first misrepresented himself as a possible attorney for the Plaintiff, told Mr. John Doe that he should not sue the U S Air Force and also that he should not testify to the 9/11 Commission of the United

States Congress. Referring first to the Patriot Act, Col. Stripling "threatened" Mr. John Doe that ... "if you testify, provide evidence to 9/11 committee or bring legal action against the U.S. Air Force, you will be arrested under the Patriot Act and sent to Guantanamo Bay."

3. On or about February, 2004, Mr. John Doe was contacted by Sam Brinkley of the Congressional 9/11 Commission staff, who asked the Plaintiff to provide the names of his intelligence reports. Mr. John Doe refused to hand over the requested information because of the threats made against him as set forth in paragraphs 2 above.
4. On or about March, 2004, Mr. John Doe filed a Congressional Complaint on the issues involved in this case, while at the same time complying with a request for information from the Congressional 911 Committee. The Honorable Congressman Spencer T. Bachus sponsored this Congressional Complaint (*See Plaintiff's Exhibit N filed under seal*). In the U S Air Force's reply it was alluded to that there was nothing to the Plaintiff's complaints. However there was sufficient evidence to support the issues if they had been properly investigated.
5. On or about June 6, 2004, Mr. John Doe contacted the Federal Bureau of Investigation in Birmingham, Alabama, concerning the threat to him, "if he testified before the Congressional 9/11 Commission" (*see Exhibit L, filed under seal*). **He was informed there would be no investigation.**
6. On or about June 17, 2005, Mr. John Doe filed a second Congressional Complaint, this time with Senator Jeff Sessions, chairman of the Senate Intelligence

Committee. (See Plaintiff's Exhibit M filed under seal). ***The reply to Sen. Sessions from the DOD Inspector General's office contained lies and obfuscations***

7. In addition, the **intelligence analysis, which is the genesis of the instant case, was mishandled and later manipulated** to falsely establish ties between the Iraqi government and al-Qaida, thus justifying an attack against Saddam Hussein and leading to the on-going combat in that country that has resulted in thousands of deaths and injuries. There is no way of immediately ascertaining at what level and by whom, but the information he developed was delivered by Mr. John Doe to his chain of command.
8. **Criminal actions which have already taken place are obstruction of justice, lying to Congress, interference with a Congressional investigation (9/11 Commission), and tampering with a witness.**
9. That the U. S. Senate Judiciary Committee has indicated an interest in this matter as to possible criminal acts having taken place during the course of this matter.

WHEREAS, Congress never intended that a government agency could: (1) interfere with communications with Congress; (2) obstruct justice; (3) interfere with the 9/11 Congressional Investigation; (4) threaten and/or harm witnesses in order to intimidate them; (5) lie to Congress; (6) hinder national security; (7) take action that was not in the best interest of the United States. **And, whereas**, the Plaintiff anticipates evidence presented at trial in the instant case will point to Defendants as having carried out such criminal actions. **And, whereas**, the U.S. Attorney General's office has a conflict of interest in investigating and prosecuting alleged criminal actions by the Defendants, and that the Federal Bureau of Investigation has declined to investigate such alleged actions.

WHEREFORE, PREMISES CONSIDERED in the motion, Mr. John Doe prays that this Court will allow the Senate Judiciary Committee to nominate a list of three (3) names to appoint as a Special Prosecutor in this cause, that this Honorable Court will choose one person from that list to serve as Special Prosecutor in this matter and that said motion be tabled for possible action against the Defendants, until such time as evidence presented in the on-going civil case proves the need for further investigation and prosecution of criminal actions which took place in furtherance of a cover up involving the mishandling and manipulation of John Doe's intelligence analysis.

Respectfully submitted,

s/James R. Bosarge, Jr. ____
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on counsel for the Defendants, Edward Q. Ragland, Assistant United States Attorney, 1801 Fourth Avenue North, Birmingham, Alabama 35203 on November 12th, 2007 by using the CM/ECF system which will send notification of such filing to all parties concerned.

s/James R. Bosarge, Jr. ____
James R. Bosarge, Jr., Esquire